

**City Council of the Mayor and Council of New Castle**  
**Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle**  
**Tuesday – April 13, 2010 – 7 p.m.**

**Present:**

Council President William Barthel  
Councilperson John Cochran  
Councilperson John Gaworski  
Councilperson Ted Megginson  
Councilperson Teel Petty

Also present: Treasurer Janet Carlin, City Administrator Cathryn Thomas, Building Official Jeff Bergstrom, Solicitor Roger Akin

**Approval of Minutes by Date**

A motion was made by Councilperson Gaworski to approve the minutes of March 9 and 11 as written. The motion was seconded by Councilperson Cochran. The motion was approved unanimously.

**Approval of Treasurer's Report**

Treasurer Carlin reported that, as of March 31, 2010, total petty cash on hand was \$400; monthly, deposit, \$231,825.70; total cash for Wilmington Trust accounts, \$374,195.33; total certificates of deposit and Delaware Government Investment Pool, \$1,537,781.95; and total cash on hand, \$1,911,977.28.

Councilperson Petty made a motion to accept the report as presented. Councilperson Gaworski seconded the motion. The motion passed unanimously.

**Report from the City Administrator**

Administrator Thomas highlighted several items from her written report. She called attention to details about items requested for reimbursement from the State. Also the landfill fees charged by the Delaware Solid Waste Authority are going up, which is a reason recycling is so critical for the city. The tipping fee rates for trash are slated to rise 40 percent, which would cost the City roughly \$60,000 a year. Recycling is accepted at no charge.

Council President Barthel said the report was accepted as presented.

**Approval of Staff Reports**

Council President Barthel said the staff reports were accepted as presented in the packets.

**Grant Review**

Councilperson Cochran said the grant expenses in March: grant for watch guard in car video, \$5,200, and a drug grant, \$200.75.

**Unfinished Business**

1. First and Second Reading of Ordinance No. 468, which would establish NO PARKING on Third Street between South Street and where the road ends at the New Castle Sailing Club, for the side of Third Street directly adjacent to Battery Park on the Delaware River side of the roadway.

Councilperson Megginson read the proposed ordinance.

2. First and Second Reading of Ordinance No. 469, approving rezoning for 700 Delaware Street, with a current zoning designation of R2 Residential, requested to be changed to RC Retail Commercial.

President Barthel read the proposed ordinance.

3. First and Second Reading of Ordinance No. 470, an amendment to Section 193-18 (Sanitary Code-Solid Waste-Collection) in the New Castle City Code, to require private solid waste collection companies to obtain business licenses.

President Barthel read the proposed ordinance.

4. First and Second Reading of Ordinance No. 471, approving changes in Chapter 204-Solid Waste, in the New Castle City Code.

Councilperson Megginson read the proposed ordinance.

5. Discussion concerning the Banks Building and a proposal to transfer ownership to the Trustees of the New Castle Common, including discussion of the current zoning for the parcel where the building is located.

President Barthel said this item goes back to the previous Council, which was having discussions about transferring ownership to the Trustees of New Castle Common. He and Councilperson Petty met with Chris Castagno of the Trustees.

President Barthel does not believe the City has the money to renovate the building. He would propose selling it to the Trustees. The number that pops into his mind is \$100,000. He views it more as a swap of assets. The City is obligated to offer it first to the Trustees and MSC.

Councilperson Petty said her suggestion was to invite the Trustees to join the City in renovating the building. The building will bring in revenues to the City in the future. The Charter does not allow the City to transfer ownership. She does not believe it makes sense to give away property that will bring in money for the City. The City has offered to sell it to the Trustees, they were not interested. There is a procedure in the Charter. The property belongs to the people of the City. The longer the City waits to renovate it, the more it will cost.

Councilperson Megginson said the City should continue to have some negotiations with the Trustees.

Councilperson Cochran asked if the Trustees have said what they would use the building for.

Councilperson Petty said they have not and pointed out the Charter refers to “fair market value.” The City should get an appraisal.

Councilperson Cochran said his concern is the building is worth very little but the property is valuable. But the building needs so much work, the City should sell it to the Trustees for \$1. It is in poor condition.

Councilperson Petty said it has to be fair market value.

President Barthel said he believes the Charter only requires an appraisal and fair market value if it goes out to sale on the market.

Councilperson Gaworski said the building is in poor condition and doesn't see the City recouping any money from it. The City should talk with the Trustees about it.

Councilperson Petty suggested meeting with the Trustees.

President Barthel said he would put together a proposal and the Council could discuss it at a future meeting.

### **New Business**

1. Discussion about enforcement of the City's Abandoned Vehicle Code and adding to that Code that the Code Enforcement Officer may perform enforcement functions, in addition to the New Castle City Police Department.

President Barthel said Chief McDerby has requested the change. He read some of the background on the issue. The current code does not allow the Code Enforcement Officer to go onto private property to remove a vehicle.

The Council concurred it was a good idea. It will require a public hearing.

2. Discussion on filing vacancies in the Public Works Section of the Public Services Department, relative to Resolution No. 2009-2.

Councilperson Megginson read resolution, No. 2010-10. Councilperson Megginson made a motion to approve the resolution; Councilperson Gaworski seconded the motion.

A discussion was held on whether Council could consider the resolution given it was listed as a discussion item not an item up for vote. Solicitor Akin said the public was notified it was a subject to be discussed. Council is not precluded from acting on a resolution.

Councilperson Megginson said the City has two employees through an agency and an agreement regarding with hiring these people. Other members of Council concurred.

The motion was passed unanimously.

3. Discussion concerning the Grant the City has received from the Federal Government for Installation of a New HVAC System for the City Administration Building; which is the \$50,000 Energy Efficiency and Conservation Block Grant (EECBG) program.

Councilperson Cochran said the grant has come in. He and Building Official Bergstrom looked at some different ways to do it. Looks like it won't be done until the fall.

Councilperson Petty brought up that City buildings fall under her area of responsibility on Council. She said Councilperson Cochran should be notifying her about activities going on with the buildings.

Councilperson Cochran said he believed he had kept her informed on the service aspects.

4. Motion, Discussion and Vote on Resolution No. 2010-9, to withdraw City savings from the Delaware Government Investment Pool (DelGIP) and move that money into a Three Month Retention Money Market account at the Wilmington Trust Bank.

Councilperson Megginson made a motion to approve the resolution. Councilperson Gaworski seconded the motion.

Councilperson Cochran said this would get the City funds a higher interest rate than currently being earned. It is moving \$200,000 into the account.

The motion passed unanimously.

5. Vote on a resolution for appointments to the Tree Commission.

Susan Keyser, Francis "Chip" Patterson and Toby Hagerott were appointed to serve terms beginning May 1, 2010 to April 30, 2013.

Councilperson Cochran made a motion to approved the resolution. Councilperson Petty seconded. The motion passed unanimously.

6. Motion, Discussion and Vote on a resolution approving Vendor Permit for "Popsy Pop" Ice Cream Truck, and for Cliff's Refreshments.

Councilperson Cochran made a motion to approve a Vendor Permit for "Popsy Pop" Ice Cream Truck.. Councilperson Gaworski seconded.

Administrator Thomas explained the permit for "Popsy Pop" is for a truck that drives around, which is allowed under the City Code. The Cliff's Refreshments item is for a stationary location for a vendor who sells out of a truck. The vendor has requested being located at the wharf. City Council needs to decide where he would be authorized to go.

A discussion was held on where he could go. There are no parking areas where he used to park on Third Street.

Councilperson Petty asked about the hours for "Popsy Pop" and if he has music.

The application does not state specific hours and he would have to comply with the noise ordinance.

A discussion was held on time limits for the music.

Councilperson Megginson said he is not happy about either application.

Councilperson Megginson made a motion to amend the resolution to allow playing no music after 7:30 p.m. Councilperson Cochran seconded.

The amended motion passed unanimously.

Councilperson Cochran made a motion to approve the permit for Cliff's Refreshments. Councilperson Petty seconded the motion.

Councilperson Cochran amended the motion to require the vendor to park on Third Street beyond the Sailing Club. Councilperson Petty seconded the motion. The amendment passed 4 to 1, with Councilperson Megginson voting against.

The amended motion passed 4 to 1, with Councilperson Megginson voting against.

## 7. Comments from the Floor

Earl Carpenter said the Banks Building's main value is because it honors Mr. Banks and indirectly honors his daughter, Anita. The City should not renovate a building where he cannot see it generating any income as well as requiring maintenance. He supports letting the Trustees have the building if they are going to spend \$100,000 to renovate it.

He also asked whether it is true that in Washington Park that no new stormwater drainage piping will be installed, using the money approved in the referendum.

Building Official Bergstrom said funds are not available for new drainage pipes.

Mr. Carpenter said the public has been deceived then. His second question was whether it is true that water retention ponds will be improved on privately owned land.

Mr. Bergstrom said yes, but the water coming off them is coming from public waters. It is the City's responsibility to control the stormwater before it goes into federal waters. A lot of the water comes from public roadways and a lot from outside the City limits.

Mr. Carpenter said he believes the land owners should be required to make the improvements, not citizen's money.

Don Reese, Seventh Street, said asked when the signs go up for no parking on Third Street and whether the curbs will be painted.

They won't be painted.

Mr. Reese also thanked Mrs. Thomas for her efforts to get grants for the City – and thanked Council as well.

A motion was made by Councilperson Gaworski to adjourn the meeting; it was seconded by Councilperson Petty. It passed unanimously.

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Michael Dickinson, City Clerk

